

REMARKS

Claims 1-49 are pending and stand rejected. The independent claims are claims 1, 4, 7, 9, 10, 11, 12, and 48. Independent claims 1, 4, 9, 10, 11 and 48 are now rejected as obvious under 35 U.S.C. § 103(a) from *Lee* (US 2004/0192308) in view of *Nishimura* (US 2004/0229649).

Applicant respectfully notes that the final Office Action has given no reasons for rejecting independent claims 7 and 12. Independent claims 7 and 12 are not mentioned anywhere in the final Office Action.

Likewise, Applicant respectfully notes that the final Office Action has given no reasons for rejecting dependent claims 8, 24-45, and 12-15. Dependent claims 8, 24-45, and 12-15 are not mentioned anywhere in the final Office Action.

Both claims 7 and 12 explicitly claim a computer readable medium, and therefore Applicant respectfully submits that they both claim statutory subject matter. See MPEP § 2106.01(I). Applicant respectfully requests an explanation as to why the final Office Action gave no reasons for rejections of independent claims 7 and 12.

The Present Amendments of the Independent Claims

The independent claims are now amended without prejudice in order to more particularly claim what Applicant regards as the invention. All of the amendments are fully supported by the application as originally filed, and none of the amendments introduce any new matter.

The idea of sending both a cell specific parameter and a link specific parameter in respective messages (instead of together in a single message) is discussed, for example, at at pages 19-21 of the originally filed application. At page 19, lines 10-17, it is explained that cell specific parameters can be included in various messages. Then, it is explained at page 20, beginning at lines 18-25, that radio link specific parameters can be included in various different

messages, and otherwise a new message can be defined for the radio link parameters. Note that the messages listed on page 20, lines 18-25 are entirely different from the messages listed on page 19, lines 10-17.

Thus, cell specific parameter(s) and radio link specific parameter(s) are in respective messages, instead of in one message. This is an important and unique feature of the present invention. At least one cell specific parameter is in one message or more, and at least one radio link specific parameter is in one message or more. Because these parameters are in respective messages, they further facilitate proper configuration of the uplink channel. Applicant respectfully submits that these newly claimed features are not present in the cited references.

The claims are also now amended to clarify that the cell specific parameter and/or the radio link specific parameter (in the respective messages) enable configuring the radio uplink. This is supported at least by the abstract as originally filed. These features are neither disclosed nor suggested by *Lee* or *Nishimura*.

Applicant respectfully submits that the present claimed step of sending parameters between a network element and RNC to configure an uplink from user equipment is not in any way suggested by *Lee*. Figures 4-10 of *Lee* show an RNC. However, only good data and/or bad data are shown being sent to *Lee*'s RNC, and only acknowledgments are shown being sent from *Lee*'s RNC. There is no hint or suggestion in *Lee* to send parameters to or from the RNC, much less to send "cell specific" or "radio link specific" parameters as presently claimed in independent claim 1.

Lee discloses at paragraph 24 that a UE receives response fields having various values. But there is no suggestion in *Lee* that those response fields have parameters that could be used by a network element and RNC in order to configure an uplink, as presently claimed. The Office Action refers to paragraphs "0057-0072" of *Lee* to show configuring of a radio uplink, but Applicant cannot find anything in those 16 paragraphs that is related to present claim 1. Those 16 paragraphs describe *Lee*'s figures 7-10, which involve a "retransmission

procedure” (see paragraphs 34-37 of *Lee*) rather than the uplink configuration procedure of present claim 1.

Consequently, *Lee* would not suggest to a skilled person key features of present claim 1, contrary to what is asserted in the Office Action. Therefore, Applicant respectfully believes it is not necessary at this point to address the *Nishimura* reference, in connection with the present independent claims.

Lee and Nishimura Plainly Do Not Render Dependent Claim 2 Obvious

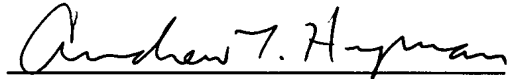
Even if the two cited references suggested present claim 1 (which they do not), still Applicant respectfully submits that those two cited references fail to disclose critical material in present claim 2. The Office Action refers to Figures #2 and #5 of *Lee*, and paragraphs 17-19 of *Lee*. However, neither of those two figures involve an RNC, which is a critical feature of present claim 2. Moreover, paragraphs 17-19 of *Lee* do not mention the RNC either.

Thus, the cited references simply do not suggest present claim 2, which discloses sending a payload packet from a network element to a radio network controller (RNC) following correct reception from the user equipment. *Lee* is completely silent about such a step.

CONCLUSION

Applicant respectfully submits that the obviousness rejections of independent claims 4, 7, 9, 10, 11, 12, and 48 should be withdrawn for the same reasons as described above for independent claim 1. Early allowance of the independent claims, and the pending claims depending therefrom, is earnestly solicited. Applicant would be grateful if the Examiner would please contact Applicant's attorney by telephone if the Examiner detects anything in the pending claims that might hinder allowance.

Respectfully submitted,

A handwritten signature in black ink, reading "Andrew T. Hyman". The signature is written in a cursive style with a horizontal line underneath.

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